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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,424	01/22/2004	Garett W. Gould	GP-302931	4910

7590 01/03/2006

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EXAMINER

IWUCHUKWU, EMEKA DERRICK

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,424

Applicant(s)

GOULD, GARETT W.

Examiner

Emeka D. Iwuchukwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 11/21/2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Watkins et al.

U.S. Patent Pub. 2005/0075892 A1 (hereinafter Watkins).

With respect to claim 1, Watkins teaches the method for provisioning a telematics unit comprising the steps of: initiating a wireless over-the-air service provisioning session between the telematics unit and a wireless network carrier, wherein data is downloaded from the wireless network carrier to the telematics unit during the over the air service provisioning session (paragraphs 14,15,39); and upon completion of the over-the-air service provisioning session between the telematics unit and the wireless network carrier, automatically initiating a call from the telematics unit to a telematics service provider, wherein at least a portion of the data downloaded from the wireless network carrier to the telematics unit is uploaded to the telematics service provider (paragraph 40,42).

With respect to claim 2, Watkins teaches the method of claim 1, also comprising the steps of: updating a database at the telematics service provider with the data uploaded from the

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telematics unit (paragraph 42); and utilizing the updated database to provide telematics services through the telematics unit (paragraph 42).

With respect to claim 3, Watkins teaches the method of claim 1 further comprising the steps of: determining whether the over-the-air service provisioning session with the wireless network carrier was successful; responsive to the determining step, if the over-the-air service provisioning session with the carrier was not successful, initiating a telematics service provider over-the-air service provisioning session, wherein data is downloaded to the telematics unit during the telematics service provider over-the-air service provisioning session (paragraphs 31,33).

With respect to claim 4, Watkins teaches the method of claim 3, wherein the telematics service provider over the air provisioning service session is initiated by a vehicle ignition cycle (paragraphs 32,34).

With respect to claim 5, Watkins teaches the method of claim 3, wherein the telematics service provider over the air service provisioning session is initiated based on a number of ignition cycles counted within a predetermined period of time (paragraphs 32,34).

With respect to claim 6, Watkins teaches a system for provisioning a telematics unit, wherein the telematics unit automatically initiates a call to a telematics service provider notifying the telematics service provider (paragraphs 40-42) of a successful provisioning session with a wireless network carrier (paragraphs 11-19) and wherein at least some provisioning data (*warranty data*, paragraphs 15-17,39,40) from the wireless carrier is transferred from the telematics unit to the telematics service provider (paragraphs 39,40).

4. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0259524 A1 to Watkins et al. (*hereinafter Watkins II*).

With respect to claim 6, Watkins II teaches a system for provisioning a telematics unit, wherein the telematics unit automatically initiates a call to a telematics service provider (paragraph 47) notifying the telematics service provider of a successful provisioning session with a wireless network carrier (paragraphs 42-47) and wherein at least some provisioning data (*authentication data*, paragraphs 46,47) from the wireless carrier is transferred from the telematics unit to the telematics service provider (paragraphs 42-47).

Response to Arguments

5. Applicant's arguments filed 11/21/2005 have been fully considered but they are not persuasive. Applicant contends that Watkins does not teach *initiating a wireless over the air service provisioning ... wherein data is downloaded from the wireless network carrier to the telematics unit during the over the air service provisioning session and upon completion ... automatically initiating a call from the telematics unit to a telematics service provider, wherein at least a portion of the data downloaded from the wireless network carrier to the telematics unit is uploaded to the telematics service provider*. The Examiner respectfully disagrees. Watkins teaches warranty data (paragraph 17) is downloaded from the wireless network carrier (*the virtual programming station*, paragraphs 11-17), *which wirelessly connects to the telematics unit* (paragraph 15) *and also establishes a connection with the TSP via a wireless network* (paragraph 16), to the telematics unit (paragraphs 11-17) during the over the air provisioning session (paragraphs 11-17). Watkins also teaches at least a portion of the data (*warranty data*,

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paragraphs 15-17,39,40) downloaded from the wireless network carrier (paragraphs 11-17) to the telematics unit is uploaded to the telematics service provider (paragraphs 39,40).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka D. Iwuchukwu whose telephone number is (571) 272-5512. The examiner can normally be reached on M-F (9AM - 5.30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDI

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante